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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,505

12/18/2003

Lennox E. Reid JR.

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1504

23718

7590

02/07/2006

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EXAMINER

COLLINS, GIOVANNA M

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/707,505		REID ET AL.	
	Examiner		Art Unit	
	Giovanna M. Collins		3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 27-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/18/03, 8/25/04, 2/23/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species I in the reply filed on 1/27/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 27-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/27/06.

Furthermore claims 7-10 will not be examined on prior art as these claims are also directed to a nonelected species.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 643. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each

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drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 11-12 are objected to because of the following informalities:

Claims 11 and 12 recite the limitation "the internal sleeve" in line 2. There is insufficient antecedent basis for this limitation in these claims, as this limitation has not been previously recited.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 7-10, 13 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not disclose how the petal retention members can

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be used in combination with a piston, check valve or bladder as recited in claims 7-10, 13 and 25.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 11-12, 14, 16, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cornelius 2,594,292.

Cornelius discloses (figs. 2 and 8) a sidewall coring tool, comprising: a tool body (16); a hollow coring shaft (163) extendable from the tool body; a formation cutter (166) disposed at a distal end of the hollow coring shaft, and a retention member (167) defining one of a plurality of petals (169), an aperture and combinations thereof, the retention member disposed in the hollow coring shaft.

Referring to claims 2 and 4, Cornelius disclose a non rotating internal sleeve (173, 172) and the retention member (167) is connected to the internal sleeve.

Referring to claim 3, Cornelius discloses the retention member (167) is disposed proximate a distal end of the internal sleeve.

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Referring to claim 5, Cornelius discloses a notch (at area around element 169 in Fig. 8) such that the retention member can be positioned radially outward toward the notch.

Referring to claim 6, Cornelius disclose the retention member (167) has a petal circumference substantially the same as an inner diameter (at area around element 169 in Fig. 8) of the internal sleeve.

Referring to claim 11, Cornelius discloses an inner diameter (diameter at area around 172 in fig. 8) of the internal sleeve is substantially the same as an inner diameter of the cutter (166).

Referring to claim 12, Cornelius discloses an inner diameter (at area around element 169 in Fig. 8) of the internal sleeve is larger than an inner diameter of the cutter (166).

Referring to claim 14, Cornelius discloses three petals (169).

Referring to claim 16. Cornelius discloses the petals (169) are separated by gaps.

Referring to claim 24, Cornelius discloses a method for taking a core sample comprising extending a coring bit (166) into a formation, the bit having a retention member (167) segmenting into a plurality of petals (169); receiving the core sample in the coring bit and retaining the core sample in the coring bit with the retention member while withdrawing the coring bit from the formation (col. 9, lines 9-20).

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Referring to claim 26, Cornelius discloses the retention member (167) is connected to an internal sleeve (172,173) and the core sample is received in the internal sleeve.

8. Claims 1-3,11,14,20,23, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by De Long 2,324,682.

De Long discloses (figs. 1) a sidewall coring tool, comprising: a tool body (37); a hollow coring shaft (32) extendable from the tool body; a formation cutter (36) disposed at a distal end of the hollow coring shaft, and a retention member (33a) defining one of a plurality of petals (27), an aperture and combinations thereof, the retention member disposed in the hollow coring shaft.

Referring to claim 2, De Long disclose an internal sleeve (33) and the retention member (33a) is connected to the internal sleeve.

Referring to claim 3, De Long discloses the retention member (33a) is disposed proximate a distal end of the internal sleeve.

Referring to claim 11, De Long discloses an inner diameter of the internal sleeve (33) is substantially the same as an inner diameter of the cutter (36).

Referring to claim 14, De Long discloses three petals (33a).

Referring to claim 20, De Long discloses the petals (at 33a) are adjacent.

Referring to claim 23, De Long discloses the retention member (33a) is rounded and extrudes toads a proximal end of the hollow coring shaft (32).

Referring to claim 24, De Long discloses a method for taking a core sample comprising extending a coring bit (36) into a formation, the bit having a retention member (33a) segmenting into a plurality of petals; receiving the core sample in the coring bit and retaining the core sample in the coring bit with the retention member while withdrawing the coring bit from the formation (col. 1, lines 1-10).

Referring to claim 26, De Long discloses the retention member (33a) is connected to an internal sleeve (33) and the core sample is received in the internal sleeve.

9. Claims 1,14-15,22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Urbanosky 3,329,217.

Urbanosky discloses (figs. 3-9) a sidewall coring tool, comprising: a tool body (see fig. 1, at 10); a hollow coring shaft (13) extendable from the tool body; a formation cutter (20) disposed at a distal end of the hollow coring shaft, and a retention member (26) defining one of a plurality of petals (27), an aperture and combinations thereof, the retention member disposed in the hollow coring shaft.

Referring to claim 14, Urbanosky discloses three petals (27).

Referring to claim 15, Urbanosky discloses the petal over lap when shaft is released (see fig. 4).

Referring to claim 16. Urbanosky discloses the petals are separated by gaps before being released (see fig. 3).

Referring to claims 17-18, Urbanosky discloses circumferential perforations (fig. 7, at 71) disposed outside a petal circumference.

Referring to claim 22, Urbanosky discloses the retention member (26) is rounded and extrudes toads a distal end of the hollow coring shaft when released (see fig. 6).

Referring to claim 24, Urbanosky disclose a method for taking a core sample comprising extending a coring bit (20) into a formation, the bit having a retention member (26) segmenting into a plurality of petals (27); receiving the core sample in the coring bit (col. 3, lines 46-57) and retaining the core sample (col. 1, line 14) in the coring bit with the retention member while withdrawing the coring bit from the formation.

10. Claims 1,13 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zublin 2,571,644.

Zublin discloses (figs. 7) a sidewall coring tool, comprising: a tool body (see fig. 1, at 16); a hollow coring shaft (24) extendable from the tool body; a formation cutter (47) disposed at a distal end of the hollow coring shaft, and a retention member (50) defining one of a plurality of petals (27), an aperture and combinations thereof, the retention member disposed in the hollow coring shaft.

Referring to claim 13, Zublin disclose an internal sleeve (53) comprises a bladed (52).

Referring to claim 23, Zublin discloses the retention member (50) is rounded and extrudes toads a proximal end of the hollow coring shaft.

Referring to claim 24, Zublin discloses a method for taking a core sample comprising extending a coring bit (47) into a formation, the bit having a retention member (50) segmenting into a plurality of petals; receiving the core sample in the coring bit (Fig. 7) and retaining the core sample in the coring bit with the retention member while withdrawing the coring bit from the formation.

Referring to claim 25, Zublin disclose filling a bladder (52) with a fluid which will apply a radial pressure to the core sample.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Long '682 in view of Duperon 3,807,234.

Referring to claims 17 and 19, De Long does not disclose any perforations. Duperon teaches (fig. 4) a retention member having perforations (16) disposed partial inside a petal circumference to help enable the free ends to be more flexible to minimize the possibility of damaging the core. As it would be advantageous to minimize the possibility of damaging the core sample, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the tool disclosed by De Long to have

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perforations disposed partial inside a petal circumference in view of the teachings of Duperon.

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Long '682 in view of Ormsby 4,296,822

De Long does not disclose the retention member is made of rubber. Ormsby (fig. 1, at 68) teaches retention member made of rubber. As it would be advantageous to have the retention member be made of a resilient material such as rubber to allow petals to easily flex to allow the core sample to enter, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the tool disclosed by De Long to made to retention member of rubber in view of the teachings of Ormsby.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gmc


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